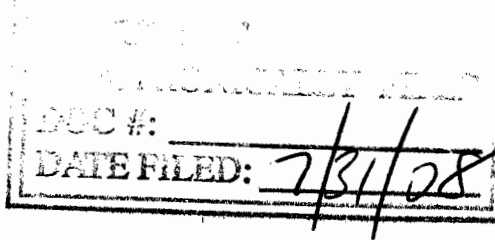




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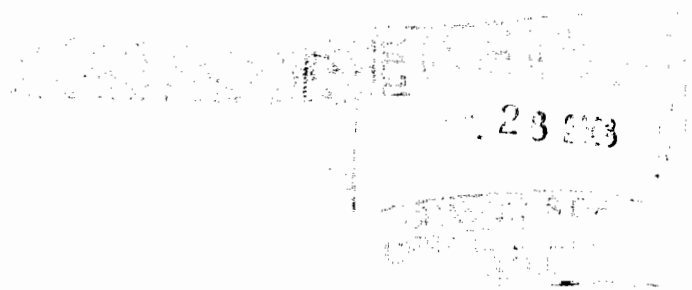
July 28, 2008



Jerome C. Katz
212-596-9054
Jerome.Katz@ropesgray.com

BY HAND

Honorable Gerard E. Lynch
U.S. District Judge
U.S. District Court for the
Southern District of New York
U.S. Courthouse
500 Pearl Street
Room 910
New York, New York 10007

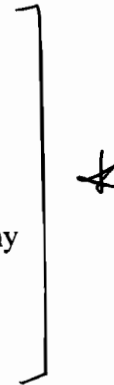


Re: Berkshire Partners LLC v. Ball Corporation,
Index No. 08-CV-00556 (GEL)

Dear Judge Lynch:

Pursuant to Your Honor's request at last Friday's status conference, the following is the revised discovery schedule that was agreed upon by the Court and the parties. I am writing this letter on behalf of both parties.

January 30, 2009	Fact discovery ends
March 16, 2009	Defendant serves expert reports
April 15, 2009	Plaintiff serves expert reports
April 22, 2009	Plaintiff serves rebuttal expert reports, if any
May 1, 2009	Expert depositions begin
June 30, 2009	Discovery cut-off



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Honorable Gerard E. Lynch

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July 28, 2008

In addition, the Court has scheduled the next status conference for November 7, 2008, at 11 a.m.]*

Respectfully,


Jerome C. Katz

JCK:jdr

cc: Lauren E. Aguiar, Esq.
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Counsel for Defendant

* SO ORDERED


GERARD E. LYNCH, U.S.D.J.

7/29/08